

REMARKS

Claims 21-41 are pending. Claims 21, 32, 34 and 41 are independent. Undersigned counsel thanks Examiner Prats for a telephone interview about the Advisory Action, summarized below. Favorable reconsideration of the application is requested.

Support for the present amendment reciting the temperature profile of “heating to 50 °C – 100 °C and retrograding at 35 °C to freezing point” is found on page 8, lines 9 – 15. No new matter has been added.

The after-final amendment of April 6, 2005 was entered, as stated in the Interview Summary of May 19, 2005. Accordingly, the rejection of claims 21 – 41 under 35 USC 112, first paragraph has been withdrawn.

Claims 21 – 41 are rejected under 35 USC 103(a) as being obvious over Kossman *et al.* in view of Henley *et al.* and Zallie *et al.*

Kossman *et al.* discloses production of linear alpha-1,4 glucans from sucrose using amylosucrase. The Examiner concedes that the Kossman *et al.* does not disclose the use of the glucan for production of resistant starch. Henley *et al.* and Zallie *et al.* disclose that linear alpha-1,4-glucans are suitable for the production of resistant starch. However, those processes start with *soluble* starch. Retrogradation is normally carried out only on water-soluble starch. See e.g., Zallie *et al.* column 3, lines 26 – 37 and Henley *et al.* column 2, lines 19 – 36. The present invention recites a water-*insoluble* glucan as the starting material.

During the interview the examiner took the position stated in the Advisory Action, i.e., that the enzymatic product of Kossman is insoluble, and, therefore, is the same as the claimed product (e.g., Example 1 of the present specification produces an insoluble product.) However, Examples 4 – 7 of the specification illustrate the claimed retrogradation process, not Example 1. The examiner maintained the position that the insoluble product of Kossman had probably undergone retrogradation to some degree. While this may be true to a degree, the absence of any specific retrogradation process in Kossman means that product must have far lower resistant starch (RS) content. In order to emphasize the difference, we have added a temperature profile to the present retrogradation process. Thus, the Examiner’s argument that there is no difference in process steps recited in the present claims no longer applies.

CONCLUSION

Applicants submit respectfully that the present application is in condition for allowance. Favorable reconsideration, withdrawal of the rejections set forth in the above-noted Office Action, and an early Notice of Allowance are requested.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 625-3500. All correspondence should be directed to our address given below.

AUTHORIZATION

Applicants believe there is no fee due in connection with this filing. However, to the extent required, the Commissioner is hereby authorized to charge any fees due in connection with this filing to Deposit Account 50-1710 or credit any overpayment to same.

Respectfully submitted,



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